

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:18-cr-99

Plaintiff,

v.

Hon. Robert J. Jonker

MARK ANDREW McMICHAEL

Defendant(s).

**GOVERNMENT'S  
INITIAL PRETRIAL CONFERENCE  
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

12/1/17 Interview by ATF

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by May 18, 2018.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☒

There are no written or recorded statements or grand jury testimony of defendant.

☐

There are the following written or recorded statements or grand jury testimony:

All written or recorded statements

☐

have been disclosed to defense counsel.

☐

will be disclosed to defense counsel by .

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☐ The Government has disclosed defendant's prior criminal history.
- ☒ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia      ☐ Drug Records      ☐ Inventory (attached)
- ☐ Controlled Substances: \_\_\_\_\_
- ☒ Records: \_\_\_\_\_ Mental health and commitment records
- ☒ Firearms: \_\_\_\_\_ And ammunition. See search warrant return, 1:17-mj-367
- ☐ Other: \_\_\_\_\_
- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State
- ☒ Federal:
- Case No. 1:17-mj-367 Re: 339 Sierra Dr., Traverse City MI
- Case No. \_\_\_\_\_ Re: \_\_\_\_\_
- Case No. \_\_\_\_\_ Re: \_\_\_\_\_
- ☒ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
- AUSA Nils R. Kessler

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☐ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis      ☐ Handwriting      ☐ Fingerprints
- ☐ DNA      ☒ Firearms/Nexus      ☒ Gun Operability
- ☐ Computer Forensics      ☐ Other: \_\_\_\_\_

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

☒ The Government does not presently intend to introduce 404(b) evidence.

☐ The Government does presently intend to introduce the following 404(b) evidence:

☐ The Government will provide pretrial notice of 404(b) evidence by \_\_\_\_\_.

G. Other Discovery Matters

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. The length of trial excluding jury selection is estimated at 2-3 days.

III. MISCELLANEOUS

☐ This case may be appropriate for expedited resolution.

☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.

☐ The Government is aware of the following potential conflicts:

☒ Government's plea negotiation policy:

No consideration for pleas entered less than 4 weeks prior to trial.

Date May 15, 2018

Nils R. Kessler  
Counsel for the United States